

Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Thus, claim 1 has been amended to incorporate the subject matter of claim 14, as a result of which claims 13 and 14 have been cancelled.

Applicant respectfully submits that these amendments should be entered even though they are being submitted after a final rejection, since the effect of the amendments is to rewrite claim 14, which the Examiner has already considered, in independent form.

The patentability of the presently claimed invention after entry of the foregoing amendments, over the disclosures of the references relied upon by the Examiner in rejecting the claims, will be apparent upon consideration of the following remarks.

The rejection of claims 1-11 under 35 U.S.C. §103(a) as being unpatentable over Harris et al. in view of Daniel et al. has been rendered moot in view of the claim amendments. As indicated above, claim 14, which is not subject to this rejection, has been incorporated into claim 1, which is the only independent claim in the application.

The rejection of claims 12-13 and 16 under 35 U.S.C. §103(a) as being unpatentable over Harris et al. in view of Daniel et al., as applied to claims 12 and 16, is respectfully traversed.

At the top of page 9 of the Office Action, the Examiner states that Harris et al. teach in Example D the preparation of a quinapril composition with no saccharide in the formulation. The Examiner applies this teaching to claim 16 of the present application, which recites that the formulation does not contain a saccharide compound.

However, Example D of Harris et al. discloses an **inoperative composition** which resulted in an unacceptable amount of hydrolysis product, and in fact illustrates the indispensability of saccharide in the formulations of this reference. On the other hand, in the present invention as set forth in claim 16, the particular combination enables a stabilized formulation which **does not contain saccharide**.

The present rejection is not based on Example D of Harris et al. alone, but rather, is based on a combination of Example D of Harris et al. with the Daniel et al. reference, which the Examiner states teaches an insoluble alkaline-earth metal salt of hydrogen phosphate. However, Applicants take the position that one of ordinary skill in the art would not have been motivated to add an insoluble alkaline-earth metal salt of hydrogen phosphate to the formulation of Example

D of Harris et al., since as indicated above, Example D is an inoperative composition which resulted in an unacceptable amount of hydrolysis product. Under the section of Finding of Obviousness/Rationale and Motivation (MPEP 2142-2143) beginning on page 9 of the Office Action, the Examiner states that it would have been obvious to combine the teachings of the two cited references to produce a stable ACE inhibitor composition because Harris et al. teach it is within the skill of the art to make a stabilized ACE inhibitor composition “comprising an ACE inhibitor, an alkali earth metal carbonate **and a saccharide compound with a weight range between 5% and 90% . . .**” (Emphasis added) However, there is **no motivation** to add the dicalcium phosphate of Daniel et al. to the formulation of Example D of Harris et al. because Example D **does not contain any saccharide compound**. The Examiner has offered no obviousness-rationale or motivation for why one skilled in the art would have added the dicalcium phosphate of Daniel et al. **to the formulation of Example D of Harris et al. which does not contain any saccharide compound**.

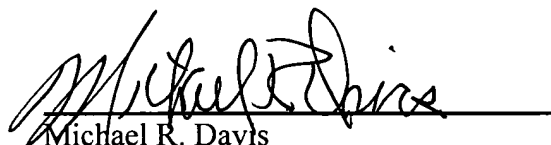
For these reasons, Applicant takes the position that the presently claimed invention is clearly patentable over the applied references.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of objection and rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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